

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE DISTRICT OF SOUTH CAROLINA

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|---|---|--------------------------------|
| Darrell L. Goss and Sasha Gaskins, |) | |
| |) | |
| Plaintiffs, |) | Civil Action No. 2:19-2469-BHH |
| |) | |
| vs. |) | |
| |) | |
| Shontate Morley, in his individual |) | ORDER AND OPINION |
| capacity; Mary Brumeucchi, in her |) | |
| individual capacity; Christine Long, in |) | |
| her individual capacity; and South |) | |
| Carolina Department of Corrections |) | |
| |) | |
| Defendants. |) | |
| |) | |

Plaintiff Darrell L. Goss (“Plaintiff”) is an inmate at Leiber Correctional Institution (“Lieber”) in Ridgeville, South Carolina. On January 24, 2020, Plaintiff filed a second motion for injunctive relief and amended motion for injunctive relief. (ECF Nos. 43 & 44.) In accordance with 28 U.S.C. § 636(b)(1) and Local Civil Rule 73.02 D.S.C., this matter was referred to United States Magistrate Mary Gordon Baker for pretrial handling. On February 25, 2020, Magistrate Judge Baker issued a Report and Recommendation recommending that the Court deny Plaintiff’s motion for injunctive relief as he is seeking an injunction on an issue unrelated to the claims he has made in this case. (ECF No. 60.)

On February 18, 2020, Plaintiff filed a third motion for injunctive relief. (ECF No. 56.) On April 10, 2020, Magistrate Judge Baker issued an Order and Report and Recommendation recommending that the Court deny Plaintiff’s motion because Plaintiff had not shown that a preliminary injunction would be appropriate under the governing standard. (ECF No. 82.)

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight. The responsibility to make a final

determination remains with this Court. See *Mathews v. Weber*, 423 U.S. 261, 270-71 (1976). The Court may accept, reject, or modify, in whole or in part, the findings or recommendations made by the Magistrate Judge. 28 U.S.C. § 636(b)(1). The Court may also receive further evidence or recommit the matter to the Magistrate Judge with instructions. *Id.* The Court is charged with making a *de novo* determination of those portions of the Report and Recommendations to which specific objections are made. Plaintiff was advised of his right to file objections to both Reports and Recommendation. (ECF Nos. 60 at 3; 82 at 7.) However, he has not filed objections to either one. In the absence of a timely filed objection, a district court need not conduct a *de novo* review, but instead must “only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005).

After careful review of the record, the applicable law, and both Reports and Recommendation, the Court finds the Magistrate Judge’s recommendations to be proper and to evince no error. Accordingly, both Reports and Recommendation (ECF Nos. 60 & 82) are adopted and incorporated herein by reference. Plaintiff’s motions for injunctive relief (ECF Nos. 43, 44, 56) are DENIED.

IT IS SO ORDERED.

/s/Bruce Howe Hendricks
United States District Judge

June 10, 2020
Charleston, South Carolina